



Committee report

Committee

CABINET

Date

TUESDAY, 11 OCTOBER 2011

Title

PROPOSALS TO CREATE TWO COMBINED AUTISTIC SPECTRUM DISORDER AND SPEECH, LANGUAGE AND COMMUNICATION NEEDS RESOURCED PROVISION CENTRES AT BROADLEA AND GREENMOUNT PRIMARY SCHOOLS REPLACING THE SINGLE SPEECH AND LANGUAGE UNIT AT LOVE LANE PRIMARY SCHOOL

Report of

CABINET MEMBER FOR CHILDREN'S SERVICES AND EDUCATION

PURPOSE

1. To consider and decide proposals published on 15 July 2011 to add two combined autistic spectrum disorder and speech, language and communication needs (ASD/SCLN) resourced provision centres at Broadlea and Greenmount Primary Schools from 01 September 2012 replacing the single speech and language unit at Love Lane Primary School.

OUTCOMES

2. The new specialist centres will provide children with an autistic spectrum disorder and those with speech, language and communication difficulties with increased access to a broad and balanced curriculum and mainstream activities. The number of full time places available for this type of provision will double from 12 to 24, reducing the number of pupils who have to go off the Island for a suitable school place.

BACKGROUND

3. All schools will have some children with special educational needs and disabilities (SEND). During the course of school reorganisation on the Island, consideration has been given to establishing new resourced provision centres within mainstream primary schools for such children. A resourced provision centre is defined locally as a specialist facility where places have been reserved at a mainstream school for children with significant special educational needs. The children are taught both within the specialist facility and in mainstream classes according to the severity of their needs.

4. The school reorganisation Cabinet report of 24 November 2008 stated the authority's intention to maintain the level of specialist support within the proposed primary and secondary system, but to revise the specialism's and locations of the provisions to better meet the needs of all young people.
5. The Isle of Wight currently has one 12 place resourced provision centre at Love Lane Primary School which caters for primary aged children with a significant speech, language and communication need. Following analysis of the changing needs within the child population and careful consideration of geographical factors, the availability of suitable accommodation and other criteria, the local authority wishes to reorganise and extend its resourced SEND provision at primary level to support the equivalent of 24 full time pupils with ASD/SCLN.
6. In spring 2010 primary schools were asked whether they wished to express an interest in hosting ASD/SLCN resourced provisions. Hunnyhill Primary School in Newport and Greenmount Primary School in Ryde were identified as the preferred locations for two designated SEND resourced provisions.
7. The location of resourced provision centres at primary level required reconsideration during autumn 2010, following the late withdrawal of interest by Hunnyhill Primary. During the second round of consideration, two schools expressed an interest, Broadlea Primary and Love Lane Primary, with the former being identified as the preferred replacement for Hunnyhill Primary.
8. The Education & Inspections Act 2006 (EIA 2006) requires the publication of statutory proposals for the addition or removal of provision reserved for pupils with SEND. Following the requisite consultation, three related statutory proposals were published on 15 July 2011:
 - To remove the speech and language unit at Love Lane Primary School from 21 October 2011;
 - To add a combined autistic spectrum disorder and speech, language and communication needs resourced provision centres at Broadlea Primary School from 01 September 2012;
 - To add a combined autistic spectrum disorder and speech, language and communication needs resourced provision centres at Greenmount Primary School from 01 September 2012.
9. Interim arrangements will be organised by the local authority to secure specialist outreach provision for the children currently served by the Love Lane unit, prior to the opening of the new facilities at Broadlea and Greenmount Primary Schools

STRATEGIC CONTEXT

10. The Corporate Plan sets out the council's key priorities which include raising educational standards and supporting older and vulnerable residents. The proposed changes and improvements to SEND resourced provision in primary schools contained within this report will contribute to both these key priorities.

CONSULTATION

11. Statutory consultation meeting the requirements of the Education and Inspections Act 2006 and the Education Act 2002 ran from 16 May 2011 to 1 July 2011. The persons consulted were:
 - The governing bodies of Broadlea, Greenmount and Love Lane Primary Schools;
 - The families of pupils, teachers and other staff at Broadlea, Greenmount and Love Lane Primary Schools;
 - Pupils attending the speech and language unit;
 - Trade unions and professional associations who represent staff at the school (ASCL, ALT, GMB, NAHT, NASUWT, NUT, TGWU, UNISON, VOICE);
 - The Church of England Diocese of Portsmouth;
 - The Catholic Diocese of Portsmouth;
 - Andrew Turner, MP;
 - IOW NHS Primary Care Trust;
 - Parents Voice;
 - Cowes Town Council;
 - Lake Parish Council;
 - Ryde Town Council;
 - All other interested parties
12. A public meeting was held on 7 June 2011 at which copies of the consultation document were made available. The consultation document was also available at Broadlea, Greenmount and Love Lane Primary Schools and on the Council's website (www.iwight.com) throughout the consultation period. Three responses to the consultation were received.
13. Following analysis of the response to the consultation, statutory proposals were published on 15 July 2011. Statutory notices, inviting objections or comments on the proposal, were published in the County Press and on the Council's website (www.iwight.com) and were displayed at Broadlea, Greenmount and Love Lane Primary Schools, Lord Louis, Cowes, Ryde and Sandown Libraries and at County Hall. The period for representation on the proposals ran from 15 July 2011 to 26 August 2011. One representation was received.

FINANCIAL / BUDGET IMPLICATIONS

14. Delivering the SEND strategy will require some re-prioritisation of existing directorate staffing resources but will not result in the council incurring additional direct costs. The closure of the Love Lane unit will release financial resources to support the new arrangements. The funding for all SEND resourced provisions is contained within the Dedicated Schools Grant.

LEGAL IMPLICATIONS

15. The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, together with guidance issued by the Secretary of State on the process for making changes to school provision give the legal basis for making a decision on the proposals.

16. It is the responsibility of the local authority to ensure that the services and provision specified within a statement of special educational needs and disabilities is delivered to the child or young person. The commissioning of services both at a strategic and individual pupil level will therefore be critical to the local authority being able to demonstrate the suitability and cost effectiveness of local provision and services and so avoid appeals and Disabilities Tribunal (SENDIST).
17. The Human Rights Act 1998 safeguards the rights of children to educational provision which the local authority is empowered to provide in compliance with its duties under domestic legislation.
 - (a) Section 14 of the Education Act 1996 places a general duty on local authorities to secure that there are sufficient schools for providing primary and secondary school education and section 14(6) requires them in particular to have regard to the need to secure that special educational provision is made for pupils with special educational needs and disabilities.
 - (b) Section 315 of the Education Act 1996 requires local authorities to keep their arrangements for special educational needs and disabilities provision under review.
 - (c) Section 9 of the Education Act 1996 places a general duty on local authorities and funding authorities to have regard to the general principle that children are educated in accordance with their parents' wishes, so far as that is compatible with the provision of efficient education and training and the avoidance of unreasonable public expenditure.

EQUALITY AND DIVERSITY

18. The aim of the proposals is to enhance current provision, offer special educational support to pupils who have ASD/SCLN in their own local communities to expand the social opportunities available from interacting with a wider selection of pupils. The pupils will benefit from an inclusive and diverse community within their own school or setting.
19. The objective of the proposals is to ensure that pupils who have ASD/SCLN are given a fair and equal chance to access appropriate services on the Island and reduce the need for mainland placements so that learning and social interaction can take place within their own local community. The Council has a duty under the Equalities Act 2010 to pay due regard to the need to eliminate discrimination harassment and victimisation and other conduct prohibited by the Act. The Council also has the duty to pay due regard to the promotion of equality of opportunities between persons who share a relevant protected characteristic and persons who do not share it. This means that the Council must be proactive in putting into place arrangements to ensure that it does not unfairly discriminate against individuals on the grounds of their age, religion, personal relations or living and caring arrangements. The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The Council is legally required to demonstrate this duty in the key decision making process, including assessing the potential equality impact of any Council proposals.
20. An equality impact assessment has been carried out and has been informed by the consultation process. The equality impact assessment conforms to the council's

obligations under the Equality Act 2010 and the requirement to have due regard to the need to; eliminate unlawful discrimination, harassment and victimisation, promote equal opportunity between people from different groups and foster good relations between people from different groups.

21. The Human Rights Act 1998 brought the European Convention on Human Rights into local law. Under this Act all public organisations must respect the rights contained in the European Convention. The European Convention on Human Rights states that nobody will be denied the right to education (Article 2 of Protocol 1). So, as all children and young people have the right to education, their right must be protected in a practical and effective way.

OPTIONS

22. Option A – To approve the prescribed alteration proposals to maintained mainstream schools published on 15 July 2011.
23. Option B – To approve the prescribed alteration proposals to maintained mainstream schools published on 15 July 2011 with a modification.
24. Option C – To approve the prescribed alteration proposals to maintained mainstream schools published on 15 July 2011 subject to them meeting a specific condition.
25. Option D – To reject the prescribed alteration proposals to maintained mainstream schools published on 15 July 2011.
26. Option E – To make no decision on the prescribed alteration proposals to maintained mainstream schools published on 15 July 2011.

EVALUATION/FACTORS TO BE CONSIDERED

27. Option A – This option would remove the speech and language unit at Love Lane Primary School from 21 October 2011 and add combined autistic spectrum disorder and speech, language and communication needs (ASD/SCLN) resourced provision centres at Broadlea and Greenmount Primary Schools from 01 September 2012. This enhances mainstream provision for children with ASD, the need for which has been identified by both the authority, as part of the school reorganisation and SEND review, and by parents, including coverage in the local media. The option supports a system shaped by parents, diversity, improving standards, Every Child Matters' principles and equal opportunity issues. Suitable provision for displaced pupils from the Love Lane unit will be made and there is a demand for the additional ASD places. The proposed new provisions will be fully accessible and their locations will keep both travelling time and costs to a minimum for children attending them, especially for those children with ASD. The authority has identified capital funding to carry out the necessary works to implement the proposals, as part of the school reorganisation capital budget. The impact of the proposals with regard to the SEND improvement test is included in section 20 of the statutory proposals. The views of those consulted are included, with the authority's response, in section 11 of the statutory proposals. There was one representation to the statutory proposals welcoming the use of the current Greenmount site as the ASD/SCLN resourced provision centre. However, section 18 g of the statutory proposals explains that the resourced provision centre will be located at the to St Vincent's Road (ex Mayfield Middle) site following the relocation of Greenmount Primary School.

28. Option B – This option must recognise the limitations in modifying a statutory proposal. Proposals must not be modified to the extent that they effectively become new proposals requiring further consultation. No appropriate or desirable modification to the published proposals has been identified by officers since the publication of the statutory proposals, including any resulting from the representation to the statutory proposals.
29. Option C – The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances, contained within the relevant regulation and statutory guidance. No such circumstances have been identified by officers since the publication of the statutory proposals, including any resulting from the representation to the statutory proposals.
30. Option D – This option retains the status quo and maintains current, mainstream provision for children with SCLN but does not meet the identified needs of pupils with ASD. For ASD pupils, the option does not support a system shaped by parents, diversity, improving standards, Every Child Matters' principles and equal opportunity issues. Provision for displaced pupils, accessibility and travel, capital funding and the SEND improvement test are not affected by this option, as it would maintain the status quo. The views of those consulted are the same as in paragraph 27. The option does not meet the demand for mainstream resourced ASD provision in the primary sector.
31. Option E – This option would default the decision to the Schools' Adjudicator and unnecessarily delay the decision making process. The Schools' Adjudicator would have the same available options (excluding Option E) as presented to Cabinet in this report.

RISK MANAGEMENT

32. Option A

Option A represents the lowest risk to the council as it meets the wishes of parents and carers of children and young people with ASD and would meet the needs of a vulnerable group of children. It is supported by the factors to be considered by Decision Makers as required by statutory guidance issued by the Secretary of State.

33. Option B

No appropriate or desirable modification to the published proposals has been identified by officers since the publication of the statutory proposals, including any resulting from the representation to the statutory proposals. A decision to modify the published proposals could therefore be open to challenge and could also require a further period of consultation.

34. Option C

None of the limited circumstances for conditional approval have been identified by officers since the publication of the statutory proposals, including any resulting from the representation to the statutory proposals. A decision to conditionally approve the published proposals could therefore be open to challenge.

35. Option D

Option D represents the highest risk to the council as it does not meet the wishes of parents and carers of children and young people with ASD and would fail to meet the needs of a vulnerable group of children. It is not supported by the factors to be considered by Decision Makers as required by statutory guidance issued by the Secretary of State.

Option E

36. Option E unnecessarily delays the decision making process. As the Schools' Adjudicator would have the same available options (excluding Option E) as presented to Cabinet in this report there is a reputational risk involved in failing to make a decision locally.

RECOMMENDATION

37. Option A – To approve the prescribed alteration proposals to maintained mainstream schools published on 15 July 2011.

APPENDICES ATTACHED

38. [Appendix](#) – Equality Impact Assessment

BACKGROUND PAPERS

- Statutory Proposal for Love Lane Primary School
<http://www.iwight.com/education/news/2011/SEN-resourced-provision/Love-Lane-Full-Proposal.pdf>
- Statutory Proposal for Broadlea Primary School
<http://www.iwight.com/education/news/2011/SEN-resourced-provision/Broadlea-Full-Proposal.pdf>
- Statutory Proposal for Greenmount Primary School
<http://www.iwight.com/education/news/2011/SEN-resourced-provision/Greenmount-Full-Proposal.pdf>
- Minutes of the Public Meeting
<http://www.iwight.com/education/news/2011/SEN-resourced-provision/Appendix-A.pdf>
- Consultation Document
<http://www.iwight.com/education/news/2011/SEN-resourced-provision/Appendix-B.pdf>

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